

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Rule)
exchange and the Stamford)
exchange.)

PETITION**I. INTRODUCTION**

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Rule exchange and the Stamford exchange.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;
3. Exchanges involved: Rule in the Wichita Falls, TX LATA and Stamford in the Abilene, TX LATA;

¹ The Communications Act of 1934, as amended, 47 U.S.C. et al.

² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

4. Name of carriers: Rule of Contel/GTE Southwest, Inc. and Stamford of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: The Rule exchange has 529 access lines and the Stamford exchange has 2,368 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Rule customers returning ballots who voted in favor of ELC to Stamford: 84.14. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

III. PRIMA FACIE SHOWING

SWBT believes that it has made a *prima facie* case, supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customer or access lines. These requirements for a *prima facie* case are

detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT requests that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Rule exchange and the Stamford exchange.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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24
February, 1998

DOCKET NO. 17749

PETITION FOR EXPANDED LOCAL	§	PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE RULE	§	
EXCHANGE TO THE EXCHANGE OF	§	OF TEXAS
STAMFORD	§	

INTERIM ORDER

Findings of Fact

1. On April 22, 1997, subscribers of the Rule Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Stamford.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Rule Exchange is in the Wichita Falls Local Access and Transport Area (LATA) and is served by GTE Southwest, Inc. (GTE-SW). The petitioned exchange of Stamford is in the Abilene LATA and is served by Southwestern Bell Telephone Company (SWBT).
4. An affirmative vote of 84.14 percent of Rule Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Stamford Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchange of Stamford is within the 22-mile distance requirement for community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(ii)(II) [effective date 12/7/93].
7. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, an affidavit attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed on April 22, 1997.
8. The Stamford Exchange provides medical facilities, doctors, employment, and is a business and commercial center for Rule exchange subscribers.
9. Based on the statement and letters referenced in Finding of Fact No. 7, there is a community of interest between the petitioning Rule Exchange and the petitioned exchange of Stamford.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. Petitioners from the Rule Exchange have shown a community of interest with the Stamford Exchange.
2. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.

3. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.

**ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 23rd DAY OF OCTOBER, 1997**

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DOCKET NO. 17749

PETITION FOR EXPANDED LOCAL
CALLING SERVICE FROM THE RULE
EXCHANGE TO THE EXCHANGE OF
STAMFORD

§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
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PUBLIC UTILITY COMMISSION
FILING CLERK

ORDER NO. 3
GRANTING EXTENSION OF TIME

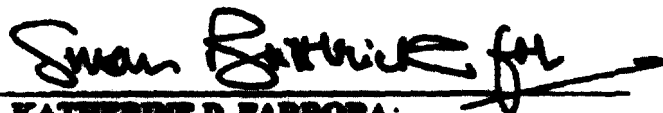
On November 24, 1997, Southwestern Bell Telephone Company (SWBT) filed a motion for extension of time to file a request for modification of local access and transport area (LATA) with the Federal Communications Commission (FCC).

SWBT states they have filed 64 LATA boundary modification requests with the FCC and are awaiting the FCC's ruling on those requests. As required by the Interim Order issued in this docket on October 23, 1997, SWBT was ordered to file the modification request with the FCC within 30 days. Rather than file this request individually, SWBT requests that it be filed sometime in January, allowing the FCC an opportunity to rule on the 64 pending requests. SWBT requests an extension until mid-January to file a LATA boundary modification request with the FCC.

To allow Commission Staff and SWBT adequate time to discuss this issue regarding procedural changes that may be necessary, SWBT's request for an extension until January 16, 1998, is granted.

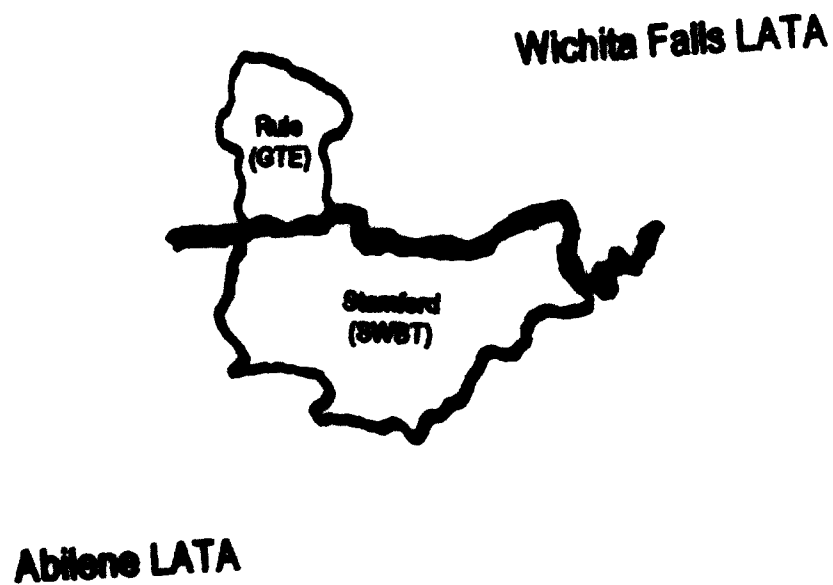
SIGNED AT AUSTIN, TEXAS the 26th day of November, 1997.

PUBLIC UTILITY COMMISSION OF TEXAS



KATHERINE D. FARROBA
ADMINISTRATIVE LAW JUDGE
OFFICE OF POLICY DEVELOPMENT

Rule to Stamford



Certificate of Service

I, Mary Ann Morris, hereby certify that the foregoing , "Petition for LATA boundary waivers" has been filed this 24th day of February, 1998 to the Parties of Record.

A handwritten signature in cursive script, reading "Mary Ann Morris", is written over a horizontal line.

Mary Ann Morris

February 24 1998

TEXAS PUBLIC UTILITY COMMISSION

1701 NORTH CONGRESS

AUSTIN, TEXAS 78701